

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-Publication of Notice Statement)

Amend Section 362,
Title 14, California Code of Regulations (CCR)
Re: Nelson Bighorn Sheep

I. Date of Statement: December 26, 2006

II. Dates and Locations of Scheduled Hearings:

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|---------------------|-----------|------------------------|
| (a) Notice Hearing: | Date: | February 2, 2007 |
| | Location: | Monterey, California |
| (b) Discussion: | Date: | March 2, 2007 |
| | Location: | Arcata, California |
| (c) Discussion | Date: | April 13, 2007 |
| | Location: | Bodega Bay, California |
| (d) Adoption | Date: | April 25, 2007 |
| | Location: | Teleconference |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Number of Tags

Existing regulations provide for limited hunting of Nelson bighorn rams in specified areas of the State. The proposed change is intended to adjust the number of tags based on annual bighorn sheep population surveys conducted by the Department of Fish and Game.

Section 4902 of the Fish and Game Code specifies that the Commission may allow the take of no more than 15 percent of the mature Nelson bighorn rams estimated in the hunt areas in a single year, based on annual population surveys conducted by the Department. To comply with Section 4902 and meet the objectives of the approved management plans for each unit, the proposed distribution of tags is as follows:

HUNT ZONE	2006 Tag allocation	2007 Tag allocation (proposed)
Zone 1 - Marble/Clipper Mountains	4	4
Zone 2 - Kelso Peak/Old Dad Mountains	4	5
Zone 3 - Clark/Kingston Mountain Ranges	2	2
Zone 4 - Orocopia Mountains	0	0
Zone 5 - San Geronio Wilderness	1	1
Zone 6 - Sheep Hole Mountains	2	2
Zone 7 - White Mountains	3	5
Open Zone Fund-Raising Tag	2	2
TOTAL	18	21

The proposed harvest is biologically conservative by design to ensure that not more than 15 percent of the mature rams in any zone are taken. The Department's research indicates that aerial surveys do not detect all mature rams present. Results of others surveys and monitoring efforts indicate that the ram populations are higher than the number observed during aerial surveys.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 220, 1050, and 4902, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 1050, 3950, and 4902, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change: None.

(d) Identification of Reports or Documents Supporting Regulation Change:

2005 Final Environmental Document Regarding Bighorn Sheep Hunting.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

The Department held one public meeting regarding the proposed changes on October 11, 2006, at the Wildlife Branch office located at 1812 Ninth Street, Sacramento.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Number of Tags

An alternative was considered which involved issuing fewer tags to take Nelson bighorn rams. The current statutory restriction allows a quota of no more than 15 percent of the mature rams observed in the designated hunt zones. This is a very conservative harvest ceiling. This alternative was rejected because the demand for bighorn sheep hunting is high, and the proposed quota changes more closely meet program objectives.

An alternative which involved translocating mature rams in lieu of removing them by hunting was considered. Since the Department currently has an active and ongoing bighorn sheep translocation program, relocating additional rams would not improve the program. This alternative would not address the Legislature's policy to provide diversified uses of wildlife, including hunting. Additionally, this alternative would not achieve the project objective of providing public hunting opportunities.

A no hunting alternative also was considered. This alternative would continue the translocation of bighorn sheep to available historical habitat, just as would occur under the proposed project. Under this alternative, it is possible that support for bighorn sheep management programs by interested conservation groups and hunters would decline. This decline could result in reducing the value of bighorn sheep to a segment of the public by unnecessarily preventing the hunting of a limited number of mature rams. In addition, it would not address the Legislature's policy to provide diversified uses of wildlife, including hunting. Therefore, this alternative would not achieve the

project objectives.

(b) No Change Alternative:

1. Number of Tags

The no change alternative was considered and found inadequate because it would not attain the project objective. Based on the intent of Section 4902 of the Fish and Game Code, and results of population surveys, it is necessary to adjust the number of tags available in all hunting zones as the status of the sheep populations changes.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The 2005 Draft Environmental Document Regarding Bighorn Sheep Hunting discloses the proposed action and potential impacts related to that action.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States:

The agency is not aware of any cost impacts that a representative business would necessarily incur in reasonable compliance with the proposed action. The proposed action adjusts tag quotas and moves specific tag procedures and requirements to another section. Given the few number of bighorn sheep tags that are available each year, this proposal is economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on Private Persons: The agency is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed to Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

INFORMATIVE DIGEST (Policy Statement Overview)

Existing regulations provide for limited hunting of Nelson bighorn rams in seven hunt zones. The proposed change adjusts the number of tags based on annual bighorn sheep population surveys conducted by the Department. The following proposed number of tags was determined using the procedure described in Fish and Game Code Section 4902:

HUNT ZONE	NUMBER OF TAGS
Zone 1 - Marble Mountains	4
Zone 2 - Kelso Peak/Old Dad Mountains	5
Zone 3 - Clark/Kingston Mountain Ranges	2
Zone 4 - Orocopia Mountains	0
Zone 5 - San Gorgonio Wilderness	1
Zone 6 - Sheep Hole Mountains	2
Zone 7 - White Mountains	5
Open Zone Fund-Raising Tags	2
TOTAL	21

The number of tags allocated for each of the seven hunt zones is based on the results of the Department's 2005 estimate of the bighorn sheep population in each zone. Tags are proposed to allow the take of less than 15 percent of the mature rams estimated in each zone.